

ORDINANCE NO. 86-27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS PROVIDING FOR AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR NON-INTERFERENCE CLAUSE PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter, and

WHEREAS, the optional county charter law, Sections 125.80 through 125.88, Florida Statutes, (inclusive), provide that the Board of County Commissioners may propose a charter by ordinance subject to approval of the charter by referendum, and

WHEREAS, the voters of Palm Beach County did adopt a charter for Palm Beach County at the general election on November 6, 1984 effective January 1, 1985, and

WHEREAS, the Board of County Commissioners through its staff has proposed charter amendments it feels would provide better government for Palm Beach County, and

WHEREAS, informational hearings on the proposed charter amendments have been held throughout Palm Beach County to inform the public about this charter amendment ordinance and to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of Palm Beach County to adopt the proposed charter amendment or not at a general election to be held November 4, 1986.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1 - TITLE:

This ordinance may be cited as the "Non-Interference Clause Charter Amendment Ordinance".

1           SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

2           Subject to the approval of the electorate as required by the  
3   Constitution and Laws of Florida and Section 3 of this ordinance, the  
4   amendment to the charter entitled "Non-Interference Clause" shall be as  
5   follows:

6           Section 2.5 Non-Interference Clause

7           Except for the purposes of inquiry and information, the  
8   commission members are expressly prohibited from interfering with the  
9   performance of the duties of any employee who is under the direct or  
10   indirect supervision of the county administrator. Such action shall be  
11   malfeasance within the meaning of Article IV, Section 7(a) of the Florida  
12   Constitution.

13           SECTION 3 - REFERENDUM:

14           On November 4, 1986, a general election is to be held and in  
15   accordance with the requirements of the Constitution and Laws of Florida,  
16   the question on the ballot shall be as follows:

17           NON-INTERFERENCE CLAUSE:

18           "Shall there be an amendment to the Palm Beach County Charter  
19   providing for: prohibition of the members of the Palm Beach County  
20   Commission from interfering with the daily administration of County  
21   business; prohibition against interference with employees under  
22   supervision of the County Administrator; acts of malfeasance under the  
23   Florida Constitution?"

24           Yes\_\_\_\_\_

25           No\_\_\_\_\_

26           SECTION 4 - FORM OF NOTICE:

27           The form of notice of the election by which this charter  
28   amendment shall be submitted to referendum shall contain the complete  
29   text of this ordinance setting forth the entire proposed charter  
30   amendments. This ordinance shall be advertised in its entirety as  
31   provided by law.

1                   SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY

2                   COMMISSIONERS:

3                   Pursuant to Section 6.3 of the Palm Beach County Charter this  
4 ordinance providing for amendment to the Palm Beach County Charter was  
5 adopted by an affirmative vote of at least four (4) members of the Board  
6 of County Commissioners of Palm Beach County.

7                   SECTION 6 - SEVERABILITY:

8                   If any section, paragraph, sentence, clause, phrase, or word of  
9 this ordinance is for any reason held by the Court to be  
10 unconstitutional, inoperative or void, such holding shall not affect the  
11 remainder of this ordinance.

12                   SECTION 7 - INCLUSION IN THE CHARTER:

13                   The provisions of this charter amendment hereby approved shall  
14 become and be made a part of the Charter of Palm Beach County, Florida.  
15 The Articles or Sections of this charter amendment ordinance may be  
16 renumbered or relettered to accomplish such, and the word "amendment" may  
17 be changed to "section," "article," or any other appropriate word.

18                   SECTION 8 - EFFECTIVE DATE:

19                   The charter amendment shall become law on January 1, 1987, if  
20 approved by a majority of those electors voting on the matter.

21                   APPROVED AND ADOPTED by the Board of County Commissioners of  
22 Palm Beach County, Florida, on the 26th day of August, 1986.

23                   PALM BEACH COUNTY, FLORIDA, BY ITS  
24                   BOARD OF COUNTY COMMISSIONERS

25                   By [Signature]  
26                   Chair

27                   APPROVED AS TO FORM AND  
28                   LEGAL SUFFICIENCY

29                   [Signature]  
30                   County Attorney

31                   Acknowledgement by the Department of State of the State of  
32 Florida, on this, the 5th day of September, 1986.

33                   Acknowledgement from the Department of State  
34 received on the 11th day of September, 1986, at 1:23 P.M., and filed in  
35 the Office of the Clerk of the Board of County Commissioners of Palm  
36 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners certify this to  
be a true and correct copy of the original filed in  
my office on August 26, 1986  
DATED at West Palm Beach, FL on 9/15/86  
JOHN B. DUNKLE, Clerk  
By: [Signature] D.G.  
Deputy Clerk